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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,952	07/24/2008	Fabienne Radermacher	31223-00117 (F-886 US)	1753
25264	7590	06/23/2010	EXAMINER	
FINA TECHNOLOGY INC PO BOX 674412 HOUSTON, TX 77267-4412			MIGGINS, MICHAEL C	
			ART UNIT	PAPER NUMBER
			1782	
			MAIL DATE	DELIVERY MODE
			06/23/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### **REJECTIONS WITHDRAWN**

1. There are no rejections withdrawn.

### **REJECTIONS REPEATED**

2. The 103 rejection set forth in the non-final rejection of 2/2/10 is repeated for the reasons of record. Applicant has amended claim 22 to recite a single polymer consisting essentially of. Honda discloses a single polymer (column 1, line 65 through column 2, line 9) and Williams discloses a single polymer (column 5, lines 28-49). For the purposes of searching for and applying prior art under 35 U.S.C. 102 and 103, absent a clear indication in the specification or claims of what the basic and novel characteristics actually are, "consisting essentially of" will be construed as equivalent to "comprising." See, e.g., PPG, 156 F.3d at 1355, 48USPQ2d at 1355 ("PPG could have defined the scope of the phrase consisting essentially of" for purposes of its patent by making clear in its specification what it regarded as constituting a material change in the basic and novel characteristics of the invention."). See also *In re Janakirama-Rao*, 317 F.2d 951, 954, 137 USPQ 893, 895-96 (CCPA 1963). When an applicant contends that additional steps or materials in the prior art are excluded by the recitation of "consisting essentially of," applicant has the burden of showing that the introduction of additional steps or components would materially change the characteristics of applicant's invention. *In re De Lajarte*, 337 F.2d 870, 143 USPQ 256 (CCPA 1964)

### **NEW REJECTIONS**

3. There are no new rejections.

### **ANSWERS TO APPLICANT'S ARGUMENTS**

4. Applicants arguments of 4/30/10 have been carefully considered but are deemed unpersuasive.

Applicant argues that articles formed from processes other than blow molding would necessarily be different and have different properties from the instant invention. However, applicant has not stated what those properties are nor has applicant claimed the properties. If blow molding provides structural differences from Honda than those structural differences should be claimed.

Applicant argues that neither Honda nor Williams disclose a single polymer. However, Honda discloses a single polymer (column 1, line 65 through column 2, line 9) and Williams discloses a single polymer (column 5, lines 28-49).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1782

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C. Miggins/  
Primary Examiner, Art Unit 1782

MCM  
June 21, 2010